

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

In re:)	Chapter 11
)	
Romeo & Monica Iusco)	Honorable Jacqueline P. Cox
)	
Debtors.)	Case No. 09-B-41945
)	
)	Hearing: November 23, 2011 at 10:00 a.m.

**MEMORANDUM IN SUPPORT OF MOTION TO
ENTER A FINAL DECREE AND CLOSE THE BANKRUPTCY CASE**

NOW COMES Romeo and Monica Iusco ("Debtors"), by and through their attorneys at Forrest L. Ingram, P.C., and in support of its Motion to Enter a Final Decree and Close the Bankruptcy Case states as follows:

MEMORANDUM IN SUPPORT OF MOTION

On November 5, 2009, (the "Petition Date"), the Debtors filed their petition for relief under Chapter 11 of the United States Bankruptcy Code. On November 6, 2011, the Clerk of the Bankruptcy Court mailed notice of the § 341 meeting. All creditors were notified of this date. **See Docket No. 4.** On December 7, 2009, the Debtors amended Schedule F and included Mr. Paul Minar as an undisputed, liquidated creditor in the amount of \$150,000. **See Docket No. 22.** The Debtor listed Mr. Minar's address as 1249 North Greenview Ave. #3, Chicago, Illinois 60642, the same address found on the check tendered to Mr. Iusco on August 16, 2007. **See Claims Registry, No. 26-1 page 4.** While the Debtors had Mr. Minar's correct address listed in the schedules, notices addressed to Mr. Minar were sent to 1249 North Greenview Ave.#3, Charlotte, North Carolina. The Debtor's papers that were sent to this address were never returned undeliverable.

Even though the notices were sent to Charlotte, NC, on October 18, 2010, Mr. Minar filed a proof of claim in the amount of \$173,814.00. **See Claims Registry, No. 26-1.** Mr.

Minar listed his address as 6 North Michigan Avenue, Unit 1107, Chicago, Illinois 60602, on his proof of claim. Once receiving the proof of claim, the Debtors modified their service list to reflect this change. After October 18, 2010, the Debtor sent all notices to Mr. Minar's address at 6 North Michigan, Suite 1100, Chicago, Illinois 60602. **See *Id.*, Docket No. 128.** On November 24, 2010, the Debtors sent Mr. Minar, along with all other creditors, a Notice of Combined Hearing on the Adequacy of Disclosure Statement and Plan Confirmation set for January 18, 2011 at 10:30 a.m., these papers were never returned to Debtor's counsel as undeliverable. **See Claims Registry, No. 26-1 at page 4.** Mr. Minar did not appear at the scheduled hearing. Thereafter, the Debtors mailed ballots to all creditors pursuant to § 1126 and Bankruptcy Rule 2018. Mr. Minar did not return his ballot. **See Docket No.**

At the hearing on the Debtor's Motion for a Final Decree, Mr. Minar appeared before the Court and stated that he objected to the final decree because, *inter alia*, he is a creditor and the Debtors never notified him of the bankruptcy case. He stated that he only recently heard about the case because he was searching for Romeo Iusco in order to collect on a personal loan from 2007. **See Claims Registry 26-1.** Mr. Minar claimed that the Debtors did not send him any notices or papers for the entire two-year period the matter has been open, and that the only papers he ever saw in relation to the Iusco's case was the Debtors' Motion for a Final Decree. However, Mr. Minar's statements cannot be the truth.

The record clearly indicates that Mr. Minar filed a proof of claim on October 18, 2010.¹ **See Claims Registry 26-1.** Thus, he was aware of the case over one year ago. Further, the record shows that counsel for the Debtor sent Mr. Minar a number of

¹ Interestingly, Mr. Minar stated almost the identical thing in his proof of claim as he stated in court: "I was unaware of the bankruptcy filing until [October 18, 2010] after some internet research." **See Claims Registry 26-1, page 3.**

documents, including the Notice of Hearing Debtors' Second Modified Plan of Reorganization and Second Amended Disclosure Statement at the address he listed on his proof of claim. **Compare Docket No. 128 with Claims Registry 26-1.** This clearly shows that Mr. Minar's representations to the Court on November 16, 2011, were less than forthright. Because Mr. Minar had notice of the bankruptcy, the Debtor sent Mr. Minar the Second Modified Plan and Second Amended Disclosure Statement to the address he provided, and Mr. Minar chose not to act until the Debtor sought to close the case; Mr. Minar's objection should be overruled.

CONCLUSION

WHEREFORE, the Debtors pray for an order overruling Paul Minar's objection, and ask this Honorable Court to enter an order substantially similar to the one filed with the Motion to Enter a Final Decree, and for such other and further relief as is just and proper.

Respectfully Submitted,
ROMEO AND MONICA IUSCO

/s/ Michael V. Ohlman
One of Debtor's Attorneys

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